

THIERMAN BUCK LLP

7287 Lakeside Drive

Reno, NV 89511

(775) 284-1500 Fax (775) 703-5027

Email info@thiermanbuck.com www.thiermanbuck.com

THIERMAN BUCK, LLP

Mark R. Thierman, Nev. Bar No. 8285
mark@thiermanbuck.com
Joshua D. Buck, Nev. Bar No. 12187
josh@thiermanbuck.com
Leah L. Jones, Nev. Bar No. 13161
leah@thiermanbuck.com
Joshua R. Hendrickson, Nev. Bar 12225
joshh@thiermanbuck.com
7287 Lakeside Drive
Reno, Nevada 89511
Tel. (775) 284-1500
Fax. (775) 703-5027

HODGES & FOTY, LLP

Don J. Foty *Admitted Pro Hac Vice*
dfoty@hfttrialfirm.com
4409 Montrose Blvd., Ste. 200
Houston, TX, 77006
Tel. (713) 523-0016
Fax. (713) 523-0016

THE LAZZARO LAW FIRM, LLC

Anthony J. Lazzaro, *Admitted Pro Hac Vice*
anthony@lazzarolawfirm.com
The Heritage Building, Ste. 250
34555 Chagrin Blvd.
Moreland Hills, OH 44022
Tel. (216) 696-500
Fax. (216) 696-7005

NILGES DRAHER LLC

Hans A. Nilges (*Admitted Pro Hac Vice*)
hnilges@ohlaborlaw.com
7034 Braucher St., NW, Ste. B
North Canton, OH 44720
Tel. (330) 470-4428
Fax. (330) 754-1430

*Attorneys for Plaintiff and the
Putative Class*

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LITTLER MENDELSON, P.C.

Roger L. Grandgenett II, Nev. Bar No. 6323
rgrandgenett@littler.com
Emil Kim, Nev. Bar No. 14894
ekim@littler.com
3960 Howard Hughes Parkway, Suite 300
Las Vegas, NV 89169.5937
Tel. (702) 862-8800
Fax. (702) 862-8811

Christian A. Angotti, *admitted pro hac vice*
cangotti@littler.com
Sean P. Dawson, *admitted pro hac vice*
sdawson@littler.com
Robert W. Pritchard, *admitted pro hac vice*
rpritchard@littler.com
625 Liberty Avenue, 26th floor
Pittsburgh, PA 15222
Tel. (412) 201-7628
Fax. (412) 774-1957

Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICHAEL FALLINE on behalf of himself
and all others similarly situated,

Plaintiff

v.

CORECIVIC OF TENNESSEE, LLC; and
DOES 1-50,

Defendant

Case No.: 2:21-cv-01802-CDS-BNW

**STIPULATION TO EXTEND STAY
PENDING FURTHER SETTLEMENT
DISCUSSIONS AND ORDER
THEREON**

SECOND REQUEST

ANTHONY TURNER on behalf of himself
and all others similarly situated,

Plaintiff

v.

CORECIVIC OF TENNESSEE, LLC; and
DOES 1-50,

Defendant

The Parties in this case, Plaintiff MICHAEL FALLINE (“Plaintiff Falline”) by and through his counsel of record, HODGES & FOTY LLP, THE LAZZARO LAW FIRM, LLC, and NILGES DRAHER LLC, along with Plaintiff ANTHONY TURNER (“Plaintiff Turner”) by and through his counsel of record, THIERMAN BUCK, LLP, and Defendant CORECIVIC OF TENNESSEE, LLC (“CoreCivic”), by and through their counsel of record, LITTLER MENDELSON, P.C., hereby request and stipulate an extension of the Stay in these related cases ordered in Case No. 2:22-cv-00775 (“Turner Case”) at ECF No. 36, pending further settlement discussions (“Stay”)¹. This is the Parties’ second request to extend the original Stay (ECF No. 30.)

¹ On July 21, 2022, Plaintiff Michael Falline and Plaintiff Anthony Turner filed and the Court granted an Unopposed Motion to Consolidate and Transfer their two similar actions against

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The purpose of the Stay is to promote judicial economy and allow this court to more effectively control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and the litigants. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”); *Pate v. DePay Orthopedics, Inc.*, 2012 WL 3532780, at * 2 (D. Nev. Aug. 14, 2012) (“A trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case.”), *citing Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979).

The Parties participated in mediation on October 11, 2022, with Mediator Carole Katz in an attempt to resolve all claims in this action. At the conclusion of the mediation session on October 11, 2022, the Parties agreed to keep the mediation open and continue engaging in meaningful dialogue and to continue to explore the possibility of early resolution through negotiation communications through the Holidays and into the New Year. Therefore, and in light of the Parties’ efforts to continue negotiations, the Parties request an additional thirty(30) calendar days from the date of entry of the [proposed] Order to continue settlement negotiations (“Stay period”). Accordingly, upon the expiration of the extended Stay period:

1) Should the Parties reach a settlement, the Parties shall file their motion for approval of the settlement by no later than the date of expiration of the Stay.

2) Should the Parties be unsuccessful at resolving all claims, the Parties shall set forth an updated proposed discovery plan and scheduling order.

Defendant CoreCivic of Tennessee, LLC (“CoreCivic”). *See* Case No. 2:21-cv-01802 (“Falline Case”) ECF No. 32-33, and Case No. 2:22-cv-00775 (“Turner Case”) ECF No. 23; 27. Accordingly, the Court designated Plaintiff Falline’s case as the lead case for purposes of the consolidation. *See* Falline Case ECF No. 33. The Court also ordered that “all future filings in these cases shall be filed in the lead case.” *Id.*

This Stipulation is made in good faith and not for the purposes of undue burden or delay.

IT IS SO STIPULATED:

Dated this 9th day of January 2023

Dated this 9th day of January 2023

THIERMAN BUCK, LLP

LITTLER MENDELSON, P.C.

/s/Leah L. Jones

/s/Christian A. Angotti

Mark R. Thierman, No. 8285

Roger L. Grandgenett II, Bar No. 6323

Joshua D. Buck, No. 12187

Emil Kim, Nev. Bar No. 14894

Leah L. Jones, No. 13161

3960 Howard Hughes Parkway, Suite 300
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Houston, TX, 77006

Attorneys for Defendant

THE LAZZARO LAW FIRM, LLC

Anthony J. Lazzaro, *Admitted Pro Hac Vice*

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34555 Chagrin Blvd.

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North Canton, OH 44720

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ORDER

IT IS HEREBY ORDERED that the Parties' Stipulation and Order to extend the Stay for thirty (30) calendar days in the above-captioned matter is **granted**.

IT IS FURTHER ORDERED that the Parties will submit a Joint Status Report no later than thirty (30) calendar days from the entry of this Order to inform the Court if the Parties have come to an early resolution.

1) Should the Parties reach a settlement, the Parties shall file their motion for approval of the settlement by no later than the date of expiration of the stay.

2) Should the Parties be unsuccessful at resolving all claims, the Parties shall set forth an updated proposed discovery plan and scheduling order.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

Dated: January 10, 2023

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